

By: Birdwell

S.B. No. 1169

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or possession of a handgun by certain retired judges and justices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.15(a), Penal Code, is amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

2 (A) engaged in the actual discharge of the  
3 officer's duties while carrying the weapon; and

4 (B) authorized to carry a weapon under Section  
5 76.0051, Government Code;

6 (4) an active or retired judicial officer as defined  
7 by Section 411.201, Government Code, who is licensed to carry a  
8 handgun under Subchapter H, Chapter 411, Government Code;

9 (5) an honorably retired peace officer or other  
10 qualified retired law enforcement officer, as defined by 18 U.S.C.  
11 Section 926C, who holds a certificate of proficiency issued under  
12 Section 1701.357, Occupations Code, and is carrying a photo  
13 identification that is issued by a federal, state, or local law  
14 enforcement agency, as applicable, and that verifies that the  
15 officer is an honorably retired peace officer or other qualified  
16 retired law enforcement officer;

17 (6) the attorney general or a United States attorney,  
18 district attorney, criminal district attorney, county attorney, or  
19 municipal attorney who is licensed to carry a handgun under  
20 Subchapter H, Chapter 411, Government Code;

21 (7) an assistant United States attorney, assistant  
22 attorney general, assistant district attorney, assistant criminal  
23 district attorney, or assistant county attorney who is licensed to  
24 carry a handgun under Subchapter H, Chapter 411, Government Code;

25 (8) a bailiff designated by an active judicial officer  
26 as defined by Section 411.201, Government Code, who is:

27 (A) licensed to carry a handgun under Subchapter

1 H, Chapter 411, Government Code; and

2 (B) engaged in escorting the judicial officer;

3 (9) a juvenile probation officer who is authorized to  
4 carry a firearm under Section 142.006, Human Resources Code; ~~[or]~~

5 (10) a person who is volunteer emergency services  
6 personnel if the person is:

7 (A) carrying a handgun under the authority of  
8 Subchapter H, Chapter 411, Government Code; and

9 (B) engaged in providing emergency services; or

10 (11) a person who:

11 (A) retired after serving as a judge or justice  
12 described by Section 411.201(a)(1), Government Code; and

13 (B) is licensed to carry a handgun under  
14 Subchapter H, Chapter 411, Government Code.

15 SECTION 2. The changes in law made by this Act apply only to  
16 an offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is governed  
18 by the law in effect when the offense was committed, and the former  
19 law is continued in effect for that purpose. For purposes of this  
20 section, an offense was committed before the effective date of this  
21 Act if any element of the offense occurred before that date.

22 SECTION 3. This Act takes effect September 1, 2023.